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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/600,894
Filing Date: June 20, 2003
Appellant(s): LISTLE ET AL.

Jong Lee
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 1, 2006 appealing from the Office action mailed May 3, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,640,185	Yokota et al	10-2003
2002/0130906	Miyaki	09-2002
2003/0085910	Noble et al	05-2003
2002/0145632	Shmueli et al	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyaki (US 2002/0130906) in view of Noble et al (US 2003/0085910) and further in view of Yokota et al (US 6,640,185) and Shmueli et al (US 2002/0145632).

As per claim 15, Miyaki teaches a driver information device comprising: a map display with special objects represented on the display by symbols (para 0003); a common indicator symbol in the map assigned to multiple symbols in one or a pre-selected radius of a location, a selection of the indicator symbol enabling a display of a list menu containing information about the special objects (abstract; para 0044-0045). Miyaki does not explicitly disclose that the menu should be a selection menu and the selection is displayed on the map display. However, Miyaki teaches superimposing a menu on the map (para 0045), moreover, Noble teaches displaying the indicator symbol 102, and 106 (fig.2) at the same location on the map (fig.2) (para 0042) with details arranged in menu 106 (fig.2), arranging the details taught by Noble in menu format would have taught by Yokota in which selectable menu 120-122 (fig.12B) are displayed; moreover, Noble teaches displaying selection symbol 102 (fig.2) in the same location on the display and Shmueli teaches displaying a selection menu 88-92 (fig.6) with a symbol 86 (fig.6) displayable at the same location on the display and embedded in the selection menu (fig.6). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display the menu taught by Miyaki as selectable menu as taught by Yokota and to display the menu embedding the symbol at the same location on the map as taught by the combined teaching of Noble and Shmueli in order to allow the user to obtain more information on an interested point of interest at the area the point of interest is located.

As per claim 16-17, Noble teaches a menu including a plurality of special object symbols 108a-108c (fig.2) of the multiple special object 106 (fig.2). Moreover, since Noble teaches the capability to present data according to the user selection (para 0032), and since providing further information regarding the displayed object in a menu would have been well known, Noble obviously encompasses teaching outputting additional information regarding the selected object. Furthermore, displaying a menu superimposing on a map display would have been well known.

As per claim 18, Yokota teaches using selection frame within a selection menu for selecting a desired special object (fig.12B).

(10) Response to Argument

In page 4, last paragraph through page 5, lines 1-8, the appellant present claims 15 with highlighted details included in claim 15. The examiner asserts that the details disclosed in claim 15 including the highlighted details are fully taught by the combined teaching of Miyaki in view of Noble et al and Yokota and Shmueli et al. Specifically, Miyaki (US 2002/0130906) teaches a map display (fig.5b, and 9A, para 0003, 0029, 0044-0045, 0048-0049, 0054), special objects is presented on the map display by special object symbols R, \$, A in fig.8, a common indicator symbol M in fig.8 indicating a presence of corresponding multiple special objects (para 0044-0049), a selection of the common indicator symbol M (fig.8) enables a display of the special object symbols R, \$, A (fig.8) that the common indicator represents (para 0045). Noble (US 2003/0085910) in the same context discloses the common indicator symbol 102 (fig.2) on the map 100 (fig.2), when the common indicator symbol is selected, the special object symbols

associated with the common indicator are displayed and are arranged in menu 106 (fig.2) (Noble para 0004, 0012, 0028, 0032, 0034, 0042); in para 0032, Noble further teaches a selectable display menu. The setting and displaying a selectable display menu is further taught by Yokota (US 6,640,185) in elements 120-122 of fig.12B. Shmueli (US 2002/0145632) teaches displaying common indicator symbol 86 (fig.6) at the same location it was previously displayed and embedded in the selection menu 86, 90, 92, 88 (fig.6) (para 0053).

In response to applicant's argument (on page 5, last two paragraphs through page 7, first paragraph) that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The reason that prove examiner's conclusion of obviousness is not based on improper hindsight will be will itself be explained in the following response.

In page 7, last paragraph, the appellant asserts that Miyaki teaches away from displaying the common indicator symbol at the same place in the map and embedded in the selected menu because the multiple icon 51 (fig.8) is substituted by either the individual POI icons or by a list of POI having assigned supplementary data is displayed. In response to this argument, it is noted that the main objective of the present application is to replace multiple icons 11, 12 (fig.1) in densely built up area with a common indicator symbol 13 (fig.1), when the common indicator symbol 13 (fig.1) is selected, the multiple icons 11, 12, (fig.1) that were replaced by the common indicator symbol are presented (specification page 1, lines 9-12, and

lines 22-27). Presenting the multiple icons in a specific data arrangement known in the arts (such as arrangement in a well known menu, arrangement in a hierarchy tree, or arrangement at exact positions the icons should be arranged on the map by superimposing the multiple icons on the map) is a mere matter of preferences; the matter of preferences can be detected from the specification of the present application because beside from suggesting presenting the multiple icons in menu format, the present application also teaches an obvious modification method of presenting the multiple icons, namely fading out the common indicator symbol during operator selection and replacing the common indicator symbol with the multiple icons on the map (specification page 5, lines 21-23). The method of presenting the multiple icons as disclosed by the present application in page 5, lines 21-23 is exactly the same as the method of presenting multiple icons R, \$ (fig.8) when the common indicator symbol M (fig.8) is selected in Miyaki (Miyaki para 0045). Therefore, Miyaki does not teach away from arranging the multiple icons in well-known menu format, Miyaki just teaches one format of data arrangement of the multiple icons among many available format of data arrangement (such as menu data arrangement, or hierarchical tree data arrangement). If the appellant asserts that replacing the common indicator symbol with the multiple icons on the map is not obvious (or teach away) from presenting the multiple icons in a menu, the examiner believes that, with the appellant's assertion, the appellant actually contradict himself with the disclosure in the specification page 5, lines 21-23. Miyaki disclose one known data arrangement format (replacing the common indicator with multiple icons on the map) and Noble discloses another known data arrangement format (arrange the multiple icons that the common indicator symbol represent in a menu); in fact, the last limitation in claim 4 of Noble teaches formatting the record components (the icons, the detail data of the icons) for display, the scope of the formatting

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encompasses any known formatting (icon arrangements) available to the art such as formatting in tabular list, formatting in by arranging icon data at real locations on the map, or formatting in hierachical tree; claim 5 of Noble give menu (list of symbol) as one example of formatting the data (icons). Concerning displaying the common indicator symbol at the same place on the map and embedded in the selected menu, Noble clearly teaches displaying the common indicator symbol 102 (fig.2) at the same place on the map when the menu 106 is presented, embedding the common indicator symbol on the selected menu is a mere matter of arranging the menu at the position where the indicator symbol is on the map; the idea of arranging the menu at the common indicator symbol is clearly suggested by Shmueli (Shmueli fig.6, para 0053). Shmueli also suggests the motivation for displaying the menu 86, 88, 90, 92 (fig.6) at the same location of the common indicator symbol 86 (fig.6) in para 0053; in the last 6 lines of para 0053 Shmueli teaches that by providing the menu at the location of the selectable indicator 86 (fig.6) with the selectable indicator 86 (fig.6) embedded in the menu, the data arranging format provides the user ability to access the functions listed in the menu and at the same time allowing the user to see the information surrounding the menu (the advertising information 78, 80 in fig.6) on the small area of display (Shmueli 6 last lines of para 0053). A person of ordinary skill in the art would obviously select the icon arrangement format (the menu 86, 88, 90, 92 (fig.6) with the common indicator 86 (fig.6) embeded) taught by Shmueli for arranging the menu 106 (fig.2 of Noble) and the common indicator symbol 102 (fig.2 of Noble) when the area of the map display is small and when the designer wants to achieve both results: allowing the user to see the map 100 (fig.2 of Noble) and at the same time allowing the user to select the item in the menu 106 (fig.2 of Noble) as motivated by Shmueli in para 0053. Actually, by using map display features taught by Noble the user can obtain the result "displaying the menu with the

common indicator at the same location on the map where it was displayed" by just simply move the menu location because in claim 11 Noble discloses that the list of the symbol expansion graphics (the menu or the tabular list 106 (fig.2)) are "movable by the user" (Noble lines 2-3 of claim 11); therefore, from claim 11 taught by Noble, it is obvious that the user can move the menu to anywhere he prefers on the map display including moving the menu onto the common indicator 102 (fig.6); especially, the motivation for displaying the menu with the common indicator on the menu at the location it was displayed was suggested by Shmueli in fig.6 and in para 0053; when the user wants to see the map information in the area near the menu, the user could move the menu 106 (fig.2) of Noble to the location where the common indicator exist.

In page 8, last two paragraphs, the appellant states that Yokota does not disclose limitation "during the display of the selection menu, the common indicator symbol is displayable at the same location on the map". As clearly shown in the grounds of rejection rejection under 35 USC 103 (a) and in the response to argument above, Yokota does not teach this limitation, however, Miyaki, Noble, and Shmueli teaches the limitation. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The appellant further asserts that Yokota teaches away from displaying a selection menu on a map because Yokota teaches that a selection menu is shown alone instead of with a map. As discussed above, Noble actually suggests displaying a selection menu 106 (fig.2) on the map 100 (fig.2). The teaching of displaying icon information on a different screen of Yokota (fig.12B) does not teach away displaying the selectable information on the map, rather, the teaching of Yokota teaches one

more available alternative that the designer can adopt when presenting the information of the icon to the user. Actually, the teaching of Yokota matches the teaching in page 5, lines 12-14 of the specification of the present application in which selected information can obviously displayed on either the map or on a separate screen. Therefore, Yokota does not teach away from displaying the selectable information on the map. Rather, in addition to present the icon information on the map as taught by Noble in fig.2 and para 0028, Yokota just contribute one more way to present icon information which is presenting data on a separate screen. Actually, the feature displaying a selection menu on the map is taught by Noble in fig.6 and para 0032, 0042; it is noted that the examiner does not rely on Yokota on this limitation.

Concerning argument on page 9, lines 9-14, the appellant asserts that the symbol 102 (fig.2 of Noble) is not a common-indicator icon, instead, element 102 (fig.2) of Noble is disclosed as "cluttered symbols". The examiner directs attention to the definition of "cluttered symbols" and "de-cluttered symbols" of Noble as provided in para 0018 and 0021 of Noble. The de-cluttered symbol taught by Noble is analogous to the common indicator symbol 13 (fig.1) of the present application. Although fig.2 provides one exemplary display of the selected "cluttered symbol" 102 (fig.2) associated with the menu 106 (fig.2), the example of displaying the selected cluttered symbol 102 (fig.2) with associated menu 106 (fig.2) should be applied to a selected "de-cluttered" symbol as well because the combined paragraphs 0029 and 0030 of Noble teaches that when the "cluttered" or "de-cluttered" symbols are selected, a "tabular symbol expansion display" is provided, therefore, although the "content" (the information) in the tabular expansion for the "cluttered" or "de-cluttered" symbols may be different, the way the data are presented (ie. in tabular list, or to say in a different way, in a menu format) is the same.

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For other arguments on page 9 through page 11 of the appeal brief, please refer to the explanation above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

November 16, 2006

Conferees:

Thomas Black

Petravick, Meredith


THU V. NGUYEN
PRIMARY EXAMINER